

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

HAYWARD INDUSTRIES, INC.,

Plaintiff

v.

BLUEWORKS CORPORATION,
BLUEWORKS INNOVATION
CORPORATION, NINGBO C.F.
ELECTRONIC TECH CO., LTD; NINGBO
YISHANG IMPORT AND EXPORT CO.,
LTD.

Defendants.

Civil Action No. 3:20-CV-710 -MOC-SCR

**DEFENDANTS' MOTION TO DISSOLVE OR MODIFY THE *EX PARTE*
TEMPORARY RESTRAINING ORDER**

Pursuant to Rule 65(b)(4), Defendants Blueworks Corporation, Blueworks Innovation Corporation, Ningbo C.F. Electronic Tech Co., Ltd, and Ningbo Yishang Import and Export Co., Ltd (collectively “Defendants”) respectfully submit this Motion to Dissolve or Modify the *Ex Parte* Temporary Restraining Order entered on April 11, 2024. [DE 393] (hereinafter “*Ex Parte* TRO”). In support of this motion, a Memorandum in Support of this motion is being filed contemporaneously herewith.

Accordingly, the Court should dissolve or modify the *Ex Parte* TRO to allow Defendants to maintain the status quo of Defendants’ business operations, as well as require Plaintiffs to post a bond sufficient to accommodate the harm Defendants will incur by complying the *Ex Parte* TRO and being enjoined from satisfying Defendants legal obligations.

Counsel for Defendants conferred with Counsel for Hayward on Thursday April 11, 2024, the same day the *Ex Parte* TRO was entered. **Exhibit 1**. Specifically, undersigned counsel stated

Defendants intent to seek to have the *Ex Parte* TRO dissolved and to seek to Move for such relief prior to the “2 days” notice required by Rule 65. *Id.* Hayward’s counsel **refused** undersigned Counsel’s request with respect to the 2 day rule and expressed a desire to oppose. Accordingly, having complied with this Court’s 2 Day rule, this Motion is Ripe for immediate consideration pursuant to Rule 65(b)(4) and this “court **must** then hear and decide the motion as promptly as justice requires.” Rule 65(b)(4) (emphasis added).

Dated: April 15, 2024

Respectfully submitted,

/s/ Samuel Alexander Long, Jr.

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2024, the foregoing document was served on all counsel of record using the Court's CM/ECF system, which will send notification of such filing to any CM/ECF participants.

Respectfully submitted,

/s/ Samuel Alexander Long, Jr.

Samuel Alexander Long, Jr.

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